[President.]

This is really scandalously expensive and there is no doubt there is a definite need for retrenchment in the matter of quality and quantity of stationery. I have made it perfectly clear on more than one occasion that hand made paper, paper made as cottage industries, should be used, as is being done in Hyderabad and several other places. There is much scope for cottage industries of this sort. I have made it a rule that no paper should be brought from outside except hand made paper. I am very glad that the honourable member has raised this question There is scandalous extravagance by everybody from the head of the department downward in the use of stationery articles.

MR. N. NARAYANA KURUP: May I know, Sir, the exact amount budgeted for the year 1116?

DR. H. PARAMESWARAN: The amount budgeted for 1116 is Rs. 1,40,000.

The motion that an additional grant of Rs. 90,000 be made for Stationery and Printing was put to vote and passed, and the grant was made.

PRESIDENT: I trust that all departments of Government will bear in mind the necessity for all possible retrenchment in this matter. The present supply of stationery articles will also have to be curtailed very much because the Balkans may soon be involved in the disturbances going on in the west. Much of the bulk of the supply comes from the Balkans and Scandinavia.

Legislative Business.

THE TRAVANCORE DISTRICT MUNICIPALITIES BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI:—

Sir, I move that the Travancore District Municipalities Bill, as reported by the Joint Committee be taken into consideration.

DR. M. K. GOPALA PILLAI: I second it.

The question that the Travancore District Municipalities Bill be taken into consideration was put to vote and carried.

Clause 1.

The question that Clause 1 do stand part of the Bill was put to vote and carried. The Clause was added to the Bill.

Clause 2.

MR. R. SIVARAMAKRISHNA AIYAR (*Co-opted*): Sir, I move the following amendment to clause 2. *viz.*,

"In clause 2, Proviso (ii), a comma shall be inserted after the word "rules" in the second line".

PRESIDENT: Order, order. In regard to legislation, the honourable member may recollect that punctuation is not part of the statute and generally speaking amendments are not moved with regard to punctuations. It is left to the Legal departments concerned and to Government because, whatever that is made in a statute, the Courts are not bound to consider the punctuation as part of the statute and they will have to give their own construction of the sentences. With

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regard to punctuations therefore usually in legislature amendments are not made because it is unnecessary nor is it advisable. Therefore I would invite the honourable member not to press motions regarding punctuations.

The question that Clause 2 do stand part of the Bill was put and carried.

The Clause was added to the Bill.

Clause 3.

MR. R. SIVARAMAKRISHNA AIYAR: Sir, I move the following amendment under Clause 3;

"In Clause 3, sub-clause (7) after the words "by efflux of time" the comma shall be omitted and between the word "time" and the word "and" the words "in the office of a councillor or in any other elective office" shall be inserted".

It is simply to make the point clearer that these words "in the office of a Councillor or in any other elective office" are added.

MR. PUTHUPALLY S. KRISHNA PILLAI: I think it is unnecessary because the definition as it stands in itself is clear. The honourable member said that it will be clearer if these words are also put. I think it does not in any way make the definitions better or more proper.

The amendment was by leave of the House withdrawn.

The question that Clause 3 do stand part of the Bill was put and carried.

The Clause was added to the Bill.

Clauses 4 to 6.

The question that clauses 4, 5 and 6 do stand part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Clause 7.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: Sir, I beg to move the following amendment:—Add the following to Clause 7, after sub-clause (3).

"(4) In any municipality, Our Government may in their discretion by notification from time to time, reserve seats for any community or communities or for women and determine the number of such seats:

Provided the total number of seats so reserved shall not exceed one-fourth of the strength fixed for the municipal council under sub-clause (a) of sub-clause (1) (i) of Clause 7:

Provided further that no seat shall be reserved for any community or communities if at the last census such community constituted more than one-half of the total population of the municipality.

(5) In reserving seats for any community or communities under sub-clause (4) Our Government shall have due regard to their number and importance.

(6) Nothing contained in sub-clause (4) shall be deemed to prevent members of any community or communities or women for whom seats have been reserved thereunder in any municipal council from standing for election to the non-reserved seats in the council."

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[Mr. Murukkumpuzha V. Kunjukrishnan.]

In the Madras District Municipality Act there is a provision similar to this wherein provision has been made enabling the Government to reserve seats for certain communities *viz.*, the Muslims, Scheduled Classes, Anglo-Indians and Europeans. I have only adopted the provisions of that section of the Madras Act with a slight modification. In my amendment I do not specify the communities for which reservation is to be made, but I only say that for these communities who find it difficult to send their representatives by open election, Government may reserve seats for them so that they may get fair representation in the Municipal Councils.

MR. M. SIVATHANU PILLAI: May I know what the member means by fair representation in the Municipalities.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: I have used that expression rather very cautiously. I do not go to the extent of saying that representation on numerical basis should be given to the various communities in the Municipal Councils. What is contemplated by the amendment is that when it is found that certain important communities do not get any representation in any Municipal council, power should be vested with Government to arrange for at least a fair representation to those communities in the Municipalities concerned. I shall now try to convince this House the circumstances that compelled me to send up an amendment of this nature. It is a fact known to all the honourable members of this House that certain communities do find it difficult to get not only fair but any representation in several Municipalities of the State. I had sent up a few interpellations for this Session asking for a caste-war analysis of the councillors in the major Municipalities of Kottayam, Alleppey, Quilon and Nagercoil. But these interpellations have not yet been answered.

MR. P. S. MUHAMMED: റിസർവു ചെയ്യണമെന്നു പറഞ്ഞതു് ഇലക്ഷൻ വേണമോ നാമിനേഷൻ വേണമോ?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: ജനറൽ കാൺസ്റ്റിറ്റുവൻസി വഴിയുള്ള ഇലക്ഷൻ കഴിഞ്ഞു് അതിന്റെ ഫലം പരിശോധിച്ചു നോക്കിയതിനുശേഷം എല്ലാ സമുദായങ്ങൾക്കും തെരഞ്ഞെടുപ്പു മൂലം പ്രാതിനിദ്ധ്യം ലഭിക്കുന്നതിനു് സാധിക്കുകയില്ല എന്നു ഗവണ്മെന്റിനു് ബോദ്ധ്യപ്പെടുമ്പോൾ ജനറൽ കാൺസ്റ്റിറ്റുവൻസിയിൽ തന്നെ ആ സമുദായങ്ങൾക്കു സ്ഥാനങ്ങൾ കരുതൽ ചെയ്യണമെന്നാണു് ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതു. അതുപോലെ ഇവിടെയും ചെയ്യൽ മതിയാകുമെന്നാണു് എന്റെ അഭിപ്രായം.

MR. P. S. MUHAMMED: അങ്ങനെ വരുമ്പോൾ ഇതു ഇതു സീറ്റുകൾ ഇന്നയിന്ന സമുദായക്കാർക്കു നീക്കിവയ്ക്കണമെന്നു ഒരു കണക്കു കൊടുക്കേണ്ടതായിവരുകയില്ലേ?

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MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: അതിന്റെ ആവശ്യമില്ല. ഒരു മുനിസിപ്പാലിറ്റിയിൽ ഇത്ര മെമ്പറന്മാർ ഉണ്ടായിരിക്കണമെന്ന് തീരുമാനിക്കേണ്ടത് ഗവണ്മെൻറാണ്. പൊതുവിലുള്ള തെരഞ്ഞെടുപ്പ് ഫലം ഒന്നോ രണ്ടോ പ്രാവശ്യം പരിശോധിച്ചുനോക്കിയതിൽ പിന്നീട് തെരഞ്ഞെടുപ്പുമൂലം പ്രാതിനിധ്യം കിട്ടുവാൻ സൌകര്യമില്ലാത്ത സമുദായങ്ങൾക്ക് അവരുടെ ജനസംഖ്യയും മറ്റുവിധത്തിലുള്ള പ്രാധാന്യവും പരിഗണിച്ച് എത്ര സ്ഥാനങ്ങൾ കരുതൽ ചെയ്യണമെന്നുള്ള കാര്യം ഗവണ്മെൻറിന് തന്നെ തീരുമാനിക്കാമെന്നുള്ളതാണ്. അതിനുള്ള അധികാരം ഗവണ്മെൻറിന് ഉണ്ടായിരിക്കണമെന്ന മാത്രമേ ഈ ഭേദഗതികൊണ്ടു ഞാൻ ഉദ്ദേശിക്കുന്നുള്ളൂ.

MR. M. SIVATHANU PILLAI: May I know whether this difficulty could not be got over by so grouping the wards?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: Yes, it is possible. I am not suggesting by this amendment that seats should be reserved immediately. If it is possible for the different communities to get proper representation in the Municipal Council either by the candidates themselves coming to some kind of agreement or by the proper allocation of the electoral wards, no seats need be reserved at all. That is exactly what is being attempted by the Trivandrum Corporation. The honorable members of this House are aware of the fact that some communities do not get proper representation in the Corporation Council. No provision has been made in the new Trivandrum City Municipal Act in order to secure due representation to all communities. I understand that as a result of the representation made by the aggrieved communities to Government the matter is engaging the serious attention of Government and that the Mayor and Commissioner of the Trivandrum Corporation are making an earnest attempt to allocate the electoral divisions in such a way so as not to give room for complaint to any community in the matter of representation to the Corporation Council. In the same way it is possible for the authorities of the District Municipalities to make reasonable adjustments to redress communal grievances. As far as these municipalities are concerned, Government need not give effect to the provisions contained in this amendment. The only point that I wish to emphasise is that whenever Government are convinced that it is impossible to give representation to any community or communities in any Municipal Council they should necessarily be armed with a weapon of this nature in order to mete out communal justice.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it the idea of the member that this reservation should take place side by side with the nomination by Government contemplated in the Bill.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: I shall try to clarify my position as regards the point raised by my learned friend Mr. Padmanabha Pillai. Under the existing Act, Municipal Act V of

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[Mr. Murukkumpuzha V. Kunjukrishnan.]

1095, Government have the power to nominate half the number of Councillors in a Municipality. Suppose in a Municipal Council there are 24 members, Government can nominate 12 members of whom 26 may be officials and the remaining 6 seats may be filled up by nomination from communities who do not get representation by election. But according to the present Bill 3/4 of the members has to be elected and only ¼ is set apart for nomination by Government. In all Municipal Councils the local doctor, someone representing the P. W. D. and some officers from the Education Dep rtment will invariably be nominated. After providing for all these official members the number of seats left for nomination by Government will be very few.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it the position of the member that we must go back to the old provision, that is, of reserving half the number of seats for nomination ?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: According to me, election from reserved constituencies is not nomination. The point that I urge is that if Government are convinced that after trying all available methods, any community does not get at least a fair representation in the Municipal Council Government should have the power to see that that community is represented in the council. If Government are armed with this power it can be used at any time and may resort to this method only if they are convinced that all other methods are ineffective.

Coming to the different major Municipalities in Travancore, taking for instance the Kottayam Municipality, it is predominantly a christian centre and it is not possible for an Ezhava to get himself elected from that municipality. Again the Alleppey Municipality is a muslim centre. There also it is only very rarely that an Ezhava is elected. Even Nairs, I understand, find it difficult to secure fair representation in the Alleppey Municipal Council.

MR. P. S. MUHAMMED : അലപ്പുഴ ഇലക്ഷൻ കാലത്തു മിക്കവാറും തന്നെ ഈഴവരെ ഇലക്റ്റ് ചെയ്തിട്ടുണ്ടെന്നു മെമ്പർക്കറിയാമോ?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: മിക്കവാറും എന്നു പറയുന്നതു് ഞാൻ വിശ്വസിക്കുന്നില്ല. ഒരിക്കൽ ഒരു മി. ദാമോദരനെ ഇലക്റ്റുചെയ്തിട്ടുണ്ടു്. അതു് അമ്പലപ്പുഴ ജനറൽ കാൺസ്റ്റിറുവൻസിയിൽ നിന്നും അസംബ്ലിയിലേക്കു മി. കെ. എം. കുഞ്ഞനെ എതിരുകൂടാതെ തെരഞ്ഞെടുത്തയച്ചതുപോലെ ഒരു അപൂർവ സംഭവമായി മാത്രമെ ഞാൻ വിശ്വസിക്കുന്നുള്ളു.

MR. P. S. MUHAMMED: മി. ദാമോദരനെ ഇലക്റ്റുചെയ്യുന്നതിനു മുമ്പു ഒരു മി. സുകുമാരനെ ഇലക്റ്റുചെയ്തതായി അറിയാമോ?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : അതൊക്കെ വെറും അപൂർവസംഭവങ്ങൾ മാത്രമാണെന്നു കരുതിയാൽ മതി.

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MR. M. SIVATHANU PILLAI: (Question not heard).

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: I do not know that..... I am not pressing for representation on numerical basis; but it cannot be ignored that the Ezhava community is one whose claims could not be ignored. If they do not get proper representation some provision has to be made for that.

MR. M. SIVATHANU PILLAI: Is it the opinion of the member that in all Municipalities even where there are not sufficient number of Ezhavas, Ezhava members should be represented ?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN That is not my position. I mentioned the case of Ezhavas only as an illustration.

Now let us go to the Nagercoil Municipality. I am not fully acquainted with the State of affairs there, but as far as my information goes, I understand that Hindu Nadars find it rather difficult to get adequate representation by election.

My amendment also provides for the reservation of seats for women. One of the notable improvements that has been effected in the Bill is the removal of the sex disqualification. The question now arises as to what is the best method to secure representation to our women to the Municipal Councils. Is it by nomination or by reservation? As I pointed out, the number of seats available for nomination with Government is very few. Such being the case it is for this House to consider whether it would not be feasible to provide a few seats at least in the major Municipalities in the State as has been done in British India. In the Trivandrum City Municipal Act we have not only removed the sex disqualification but also an obligatory provision has been made therein that out of the eight nominated councillors one shall be a woman. But such a provision is conspicously absent in this Bill. But I believe that instead of resorting to the method of nomination in the matter of securing representation to women it would be better to ask them to elect their own representatives from reserved constituencies.

MR. R. SIVARAMAKRISHNA AIYAR: May I know from the member whether it is necessary that in these Municipalities where there are only twentyor thirty members belonging to a community a seat should be reserved for them ?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: That is not my position. On the other hand what I said was that the numerical strength and importance of the community should be considered.

Now Sir, the question may be asked whether the principle of the reservation of seats should be accepted in the matter of election to the Municipal Councils and whether we should follow the example of British India in this matter. It is no doubt very good to forget all communal considerations and work for the common good of the country. That is a very good ideal which all of us should keep in view. But we should not ignore the fact that there are communities in the State who due to various reasons and circumstances do feel that they are unable to get due representation by general election. In my opinion no useful purpose would be served by sticking on to impracticable ideals

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[Mr. Murukkumpuzha V. Kunjukrishnan].

instead of patiently and boldly facing the realities. My amendment does not contemplate that reservation should be made soon after the Bill is placed in the Statute Book. My only prayer is that after all conceivable methods of conciliation have been given an effective trial and after the Government are fully convinced that reservation of seats is the only practicable alternative to secure representation of all important communities in the Municipal Councils, then and then alone the powers vested with Government under this amendment need be exercised. As I said this is only an enabling provision of law and I believe that the honourable members of this House who are anxious to see that communal equity and communal justice should be meted out to all the sections of His Highness's subjects would whole heartedly support my amendment. With these observations I commend my amendment to the acceptance of the House.

MR. K. KUNJU PANICKAR: I second the motion.

MR. M. SIVATHANU PILLAI: Sir, I oppose this amendment for more than one reason. In the first place, the principle underlying the motion is contrary to the principle of local self-government. When members are expecting that Government will do away with red-tapism here is a motion allowing Government to interfere even in the matter of constitution of the Council. I always understand that as far as Municipalities are concerned, conservancy, health, sanitation etc., concern the well being of the inhabitants of the particular area and have nothing to do with the politics of the area. I have never heard that there is Ezhava sanitation, Nayar sanitation or Vellala sanitation. If an epidemic occurs in one part of the Municipality (either affecting the Nair or Ezhava) it is dangerous to the whole area Viewing from that point of view one cannot think of communal reservation of seats in the Municipality. So there need not be any reservation. Mr. Kunjukrishnan attempted to bring in reservation for the purpose of avoiding heart-burn when a member by virtue of his community does not get a seat by election. When I put a question to him he admitted that if there is any real grievance of this sort it can be got rid of by a redistribution of the boundaries of the ward so that the particular community may be given a chance to elect a member. I do not understand why it is not possible to do so. If the Council is aware of the necessity and responsibility of providing a seat for a particular community it is for them to divide the wards accordingly. Why cannot the Council pass a resolution to redistribute the wards. It is true that in the case of Nagercoil Municipality the important communities Ezhavas, Christians, Vellalas, Brahmins and Mahomedans are able to get seats by election. But in certain other areas it may happen that they are not able to get seats by election.

MR. M. L. JANARDANAN PILLAI (*Nominated*): Suppose the Council is packed with a majority who are opposed to redistribution?

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MR. M. SIVATHANU PILLAI: Under the old Regulation also there is a provision that the Government can interfere and even cancel that resolution of the Council. If the particular communities are very eager, they can wait on the Dewan on deputation and represent their grievances against the Council. Deputations are waiting on the Dewan in large numbers particularly during the sessions of the Assembly. If the arguments of the deputation are convincing to the head of the administration then the Government can cancel that resolution and direct them to reconsider it in the light of their grievance. Then where is the difficulty? Mr. Kunjukrishnan feels that certain members are not given fair representation. Is it in any way related to communal representation? I do not understand what he meant by fair representation. Secondly, if members interest themselves in Municipal work, I think it is easy for them to get elected. That is at least true in my part of the State. There is no embellishment or dignity attached to membership except that it is service to the Municipality. If a man is really interested in Municipal affairs certainly any ward is open to him for election.

MR. M. R. NARAYANA PILLAI: May I know whether the member has any real difficulty in accepting reservation?

MR. M. SIVATHANU PILLAI: If we accept it in principle, there will be no end of difficulties. Why should there be reservation? I do not understand.

MR. P. KUNJUKRISHNAN (*Quilon cum Kottarakara*): May I ask whether there is strong opposition to his view?

MR. M. SIVATHANU PILLAI: Certainly there was some opposition. But from the point of view of national good, the amendment should not be accepted.

MR. P. KUNJUKRISHNAN: May I know whether it was on the agreed conclusion of the various communities that communal representation was approved?

MR. M. SIVATHANU PILLAI: Even if they agreed, I do not agree with that. I do not approve of it in the least when it relates to election for the Council and service to the citizens of a Municipal town. Service in Public Service is different from service as a Councillor.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: If the member accepts reservation by Government order why not the reservation be allowed by statute?

MR. M. SIVATHANU PILLAI: The two are entirely different. They are reservation for election and nomination by Government. Cannot the member see that one is not the other?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: Does the member know that the Trivandrum Corporation is finding it difficult to give communal representation?

MR. M. SIVATHANU PILLAI: Yes. It ought to be, being unreasonable. Why should they not get in by nomination. Why should we make a difference in Municipal service by members coming under nomination or election. In this House there is no difference in the

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[Mr. M. Sivathanu Pillai.]

service to the Assembly by members either nominated or elected. They may do the same in the case of Municipal service also. After all what is the difference between a nominated and elected representative in the Municipal Council? Opportunities for Municipal service are equally open to all. It is for them to take it willingly and do their best. I can not think of a case of a Nair alone cleaning a drain in front of a Nair house. That is why I would rather have elected representatives for the Municipal Councils and not even nominations of non-officials. Lately even in Madras a motion was passed by the Corporation saying that expenditure should be made on a ward-war basis and subjected themselves to much ridicule both by the Public and "ihe Madras Mail."

PRESIDENT: Did they not afterwards cancel it?

MR. M. SIVATHANU PILLAI: Yes, it was cancelled afterwards, after they realised their folly. Then, why should we consider Municipal expenditure in terms of communities.

MR. P. KUNJUKRISHNAN: May I know whether communal representation has led to bad working?

MR. M. SIVATHANU PILLAI: Communal representation in public services is the bane of the whole country and the sting of communal reservation in Municipal Council is unthinkable.

MR. P. KUNJUKRISHNAN: May I know whether communal representation is recognised for the public service?

MR. M. SIVATHANU PILLAI: Whoever might have recognised it I have always stoutly opposed it and I will continue to oppose it till the end of my life, as a public worker and nationalist in its real sense. There must be a common way of sending elected representatives to the Council, whether they are persons with communal bias or not and there should not be any reservation. I can imagine, as Mr. Janardhanan Pillai suggested, there may be a deliberate move on the part of any one community to elbow out another community. In that case, I can only say that there is an absence of civic sense in that area and it is high time that the Municipality in that area is abolished. What is the further object of the Municipal Council? If, as some people say, it is a training ground for democracy in the administration of the country, there shall not be any communal representation. Why should one inject that poison here and allow it to be nursed and brought up? Local Self-Government institutions are intended as a preliminary training ground for people to attain the happy consummation of pure democracy. If that be so, why there should be any communal representation in the nursery itself. Let each candidate, whatever be his community, fight in the open forum with the other candidates. In British India, we come across ever so many lady candidates contesting the seats with men candidates. And, why should we alone treat them as something to be kept in a glass-case. No lady member here has given notice of amendment for reservation for women. Perhaps Mr. Kunjukrishnan is out-of-date. He is not a

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20th century gentleman. He must know better. In British India women are coming forward. Even in Nagercoil, some time back, a woman challenged men for boxing and ghusthi *i. e.*, wresetling. At least in physical appearance and performance she was much better than our I. G. who wrestled in the recent Police sports.

PRESIDENT: Order, order. Honourable members will realise that there is an adjournment motion at half past-three to-day and I hope that the Bill will make substantial progress today. It is my intention, subject to what the honourable members might say, that if the Bill is not finished today, we should sit on Thursday and finish it. But so far as I have seen, there are not many controversial points. Apparently this is one. So honourable members may, although I have no right to impose a time-limit on this debate, have a kind of self-denying ordinance by which each member will speak for not more than ten or fifteen minutes.

MR. M. SIVATHANU PILLAI: The Bill as reported by the Select Committee consists of provisions enabling on more than one occasion the Peishkars of each Division to intrude himself in the working of the Municipality.

MR. P. S. MUHAMMED In the amendment on which the honourable member speaks, I do not find anything about the Peishkars.

MR. M SIVATHANU PILLAI: Let the honourable member have the patience to hear me to the end. What I wish to point out is that the Peishkars are given powers in this Bill to interfere in the administration of the Municipality more than what is warranted. If that be the case, why should we unnecessarily provide for additional powers in the matter of our own representation in the hands of Government? I thought that the Bill as reported by the Select Committee will undergo a radical modification in the matter of taking away Peishkar's powers. In fact we would welcome more the present statute with the limited scope of intervention on the part of the Peishkar, when we take into consideration the various occasions in which the Peishkars are enabled to interfere under this Bill. That is why I say that if members do really intend that local self-governing institutions should be based on freedom and liberty to the members, there shall not be any scope for reservation. With these words, I oppose the amendment.

MR. K. KUNJU PANICKAR (*Mavelikara cum Kunnathur*): In seconding the amendment before the House I have to make a few remarks. From my experience in certain Municipalities I have seen that certain communities which command a majority of population do not get even a single person elected as per the present election system. I can cite the instance of Kottayam. Fifty per cent of the population there, are Hindus while the other fifty per cent consists of Christians and other communities. On account of the present ward arrangement the vast majority of the members returned are from the Christian communities. In the recent election which took place in Kottayam only three Nairs were returned in the

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[Mr. K. Kunju Panickar.]

election. In the last election a so called Nair constituency ward also was taken away by a Christian member. The grievance is that the ward division is so made and the taxation qualification also is so arranged that the Hindus never get a majority in any ward. The result is that in almost all cases the Christians are returned by a majority and they are having everything in their own way. I do not make any reflection upon any section of the people but by experience we find that the Christians are having a majority while the Hindus whose population is equal to that of the Christians never get representation.

MR. PUTHUPALLI S. KRISHNA PILLAI : Is it the member's opinion that by a proper arrangement of the wards that contingency could be avoided ?

MR. K. KUNJU PANICKAR : By a proper rearrangement of the wards the present inequalities can be remedied to a certain extent. But there is one other difficulty. Since there is no adult franchise system, the voting right can always be twisted in one way or the other. At Kottayam, in the last scrutiny of the revising authority I have come across instances of a number of Christians being given the sanction to vote producing certificates as if they were given a salary of Rs. 20 by their employers and thus in a ward where the majority of voters were Hindus until recently a Christian is elected now.

MR. M. SIVATHANU PILLAI : Why should not such cases be brought to the notice of the Law Courts and injunctions obtained?

MR. K. KUNJU PANICKAR : This has taken place with reference to the Nair community which has got the same population and experience as the Christians.

That apart I say that unless adult franchise is allowed, even the rearrangement of the wards cannot help the communities which are at a disadvantage. With refefence to the Nair community, they are educated enough. With reference to the Ezahava community they cannot weild so much influence with money or otherwise either as Nairs or as Christians. So, unless some spoon-feeding is arranged as a transitional process, they cannot come up. So, some sort of reservation, as a temporary measure for such communities as have a majority of the population, should be provided. This can be managed under the direction of Government. The communities which cannot bring to bear upon the election such influence as certain other communities either with money or otherwise, require the special assistance of Government. Government should go to their assistance. So, I second the motion before the House that the Government should be invested with the power which is contemplated there.

MR. R. SIVARAMAKRISHNA AIYAR : Sir, I also oppose the amendment, because by the re-adjustment of the wards wisely it is possible to get all the major communities having a certain percentage of the population, represented. That was what was actually done in the Kuzhithura Municipality, in the Marthaudam ward, where there was a large num-

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ber of Hindu Nadars, S. I. U. Cs., Ezhavas and Vellalas. By a redistribution we changed all the four wards and had five, and got two more elected seats. And now, Hindu Nadars are confident that they will get one seat by election. So also the S. I. U. Cs are sure that they would get elected and the Vellalas also are confident that they will get a seat by election. Thereby we have solved the difficulty of communal hatred there.

Moreover, reservation of seats means that we are simply creating some more trouble. Already there is considerable communal trouble and by reservation of seats we are encouraging it.

Reservation of seats means we give special seats for certain communities and ask a few people to elect their own representatives. In my opinion it is not advisable to have reservation where co-operation and the good-will of the people are necessary. Otherwise we are not fit to govern ourselves. In a town like Kuzhithurai there is no fear of the Brahmins going without a seat. They are sure to get a seat from the Palace ward. Nairs can get two seats from two wards. The Hindu-Nadars can be returned from one ward and ths S. I. U. Cs will get returned from more than one ward. The Muhammedans are only very few in number and Government have got the reservation powers by which 25 per cent of the total strength would be nominated by them and if there is a community which is not represented, Government can nominate from that community.

So I do not think this amendment is wise and is in the interests of the public. As such I oppose its adoption by this House.

MR KAINIKKARA M. PADMANABHA PILLAI: Sir, while I do not want to oppose the desire of certain communities to overcome the difficulties in getting their members elected in Municipal Councils, I find it rather difficult to agree with the amendment as proposed by Mr. Kunjukrishnan. It is a fact that in the case of most of the Municipalities several communities though numerically strong find it practically difficult to get their representatives elected. It must be this fact that prompted the mover of this amendment to table his motion. I must at the very outset make it clear that I am not opposing it on principle. Mr. Sivathanu Pillai has opposed it on principle because he has been consistently opposing communal representations whether it be in the Assembly or in Public Service or in Local Bodies. I am afraid, Sir, that it is too late in the day either for the public or for the Government to take this stand. When once the ball is set in motion whether it be in the right direction or in the wrong we have to run the whole distance with the ball. There is no use fighting a battle over this small question regarding the Local Bodies. But for two practical reasons I find it difficult to accept the amendment as it stands. My first difficulty is that by putting the amendment and the original clause together it will come to this, *i. e.*, fifty per cent of the total number of seats will either be reserved or nominated. That is a position rather difficult to accept. One complaint that is heard against the present Bill is that the Government are taking into their hands more powers than they did enjoy with the old Act. One item by which they have put some greater power into the hands of the

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[Mr. Kainikkara M. Padmanabha Pillai.]

public is the fixing up of a greater percentage of elected members. According to the old Act there was the possibility of nominating fifty per cent of the total number of members. Now the maximum is fixed at twenty-five per cent and that is one step towards popularising the administration. If the amendment is accepted again we are reverted to the old position of fifty per cent being reserved or nominated. I cannot accept that position. Secondly, Sir, one question was put by somebody about the method of election. I am not prepared to accept any suggestion for reservation unless I am definitely told what is the franchise and what is the voting system. Having already had a bitter experience in the matter of multiple constituencies and single non-transferable vote all put together it is my view that we must think a hundred times before we jump into that pit again. Unless Mr. Kunjukrishnan or the Government definitely tells us as to the nature of the system to be adopted in the matter of voting I must surely oppose the motion.

MR. PUTHUPALLI S. KRISHNA PILLAI: What according to the honourable member must be the acceptable system of voting if seats are to be reserved ?

MR. KAINIKKARA M. PADMANABHA PILLAI: First of all I must say that proviso itself has to be changed. I begin from there. I oppose the proviso. If a community finally decides that they are not capable of sending up a candidate by election from a general constituency let them say it openly and let them demand reservation of seats. But to demad reservation of seats with one hand and the right of voting form a general constituency with the other is a dangerous position and is extremely detrimental to the interests of other communities. If they want to have a separate seat let them have it. Let us not mix up issues. We have had that experience in a very bitter form in the elections to the Assembly. Therefore the first thing to be determined is whether the community is prepared to stand for election from the general constituency or whether they require reservation. If they want reservation they should not demand the right to stand for election or to vote in the general constituency. Reservation can be justified only on the ground that the community is not capable of sending up a condidate elected from a general constituency. Let them say so and let them have reservation. We should not mix up these two issues. Once we have decided that point then it is time for the consideration of a voting system. Thus I oppose first of all the reduction in the percentage of the elected members of the Council. I also oppose the mover's attempt at mixing up the general constituency seats and reserved seats and the vesting of the power to stand for and vote for general seats and the reserved seats on one and the same community. Therefore unless I am told definitely what is the method adopted and unless I am given the picture complete, I am afraid, I cannot be a party in supporting this motion. On these grounds I oppose the amendment as it stands.

(At this stage the President left the Chair and the Deputy President occupied it.)

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MR. P. S. MUHAMMED : മി. കഞ്ഞുകൃഷ്ണൻ അവതരിപ്പിച്ചിട്ടുള്ള അമൻറുമെൻറിൻെറ തത്വത്തോടു ഞാൻ യോജിക്കുന്നു. ഈ അമൻറുമെൻറു് ഇതേനിലയിൽ അംഗീകരിക്കാൻ നിവൃത്തിയില്ലാത്തതിൽ എനിക്കു മനഃസ്ഥാപമുണ്ടു്. സീറു് റിസർവു ചെയ്യണമെന്നുവരികിൽ അതു് ഇന്നതോതിൽ വേണമെന്നു പറയേണ്ടതു് ആവശ്യമാണു്. ഒരു മുനിസിപ്പാലിറ്റിയിൽ ഒരു സമുദായത്തിനു് എതു സീറാണു കൊടുക്കേണ്ടതെന്നു് ആദ്യമായി നിശ്ചയിക്കണം. അങ്ങിനെ നിശ്ചയിക്കാതെ ഏതെങ്കിലും സീറു റിസർവുചെയ്താൽ മതി എന്നാണെങ്കിൽ സീറു റിസർവു ചെയ്യു എന്ന പേരല്ലാതെ യാതൊരു പ്രയോജനവും ഉണ്ടാകുന്നതല്ല.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: ഏതെങ്കിലും ഒരു സമുദായത്തിനു സീറു റിസർവു ചെയ്യേണ്ട ആവശ്യമുണ്ടെന്നു തോന്നിയാൽ അതു ഇന്നതോതിൽ വേണമെന്നുള്ളതു് ഗവണ്മെൻറു നിശ്ചയിച്ചാൽപോരെ?

MR. P. S. MUHAMMED : ജനസംഖ്യയെ നോക്കാതെ ഒരു സീറാണു് റിസർവു ചെയ്യുന്നതെന്നുവരുകിൽ അങ്ങിനെയുള്ള സമുദായത്തിനു അതു കിട്ടാതിരിക്കയാണു നല്ലതു്.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: ഇന്നത്തെ ബില്ലിലെ വ്യവസ്ഥയനുസരിച്ചു് പ്രാതിനിധ്യം കിട്ടാത്ത എല്ലാ സമുദായങ്ങൾക്കും നാമിനേഷൻ കൊടുക്കുന്നതിനുള്ള അധികാരം ഗവണ്മെൻറിനുണ്ടെന്നറിയാമോ?.

MR. P. S. MUHAMMED : ഇന്നത്തെ നിലയ്ക്കു് അതു സൗകര്യമായിട്ടുവരുമെന്നു എനിക്കു തോന്നുന്നില്ല. ആലപ്പുഴ മുനിസിപ്പാലിറ്റിയിൽ നാൺ അഫിഷ്യൽ മെമ്പർമാരായി നാലുപേരുണ്ടു്.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : അതു് പഴയ ബില്ലനുസരിച്ചാണു്.

MR. P. S. MUHAMMED : ഈ ബില്ലിൻെറ സ്വഭാവം നോക്കിയാൽ മുനിസിപ്പാലിറ്റിയിൽ ഉദ്യോഗസ്ഥമെമ്പർമാരുടെ ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല. മുമ്പു് അധികാരം പ്രസിഡൻറിൻെറ കയ്യിലായിരുന്നു. ഇപ്പോഴം വലിയ മുനിസിപ്പാലിറ്റികളിൽ പ്രത്യേകം കമ്മിഷണറന്മാരുടെ കയ്യിൽ അധികാരം കൊടുത്തിരിക്കയാണു്.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : മൈനർ മുനിസിപ്പാലിറ്റിയെ സംബന്ധിച്ചിടത്തോളമെങ്കിലും നാമിനേഷൻ ഉദ്യോഗസ്ഥന്മാരിൽ നിന്നുമായിരിക്കും നടത്തുന്നതെന്നു മെമ്പർ സമ്മതിക്കുന്നുണ്ടോ?

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MR. P. S. MUHAMMED : ഇല്ല. പി. ഡബ്ളിയു. അഫീസറും മെഡിക്കലാഫീസറും അല്ലാതെ വേറെ ഉദ്യോഗസ്ഥന്മാരുടെ ആവശ്യം മുനിസിപ്പാലിറ്റിയിലില്ല. നാമിനേഷനുള്ള അധികാരം മാത്രം ഗവണ്മെന്റിനു കൊടുത്താൽ പ്രാതിനിധ്യം കിട്ടാത്ത എല്ലാ സമുദായങ്ങൾക്കും സീറ്റു കിട്ടിയെന്നു വരുന്നതല്ല. അതുകൊണ്ടു സമുദായത്തിന്റെ ജനസംഖ്യയനുസരിച്ചു പ്രാതിനിധ്യം കിട്ടണമെന്നാണ് എന്റെ അഭിപ്രായം അതുലേക്കു ഈ ഭേദഗതികൊണ്ടു മതിയാവുകയില്ല.

ഇവിടത്തെ മുനിസിപ്പാലിറ്റികളിൽ സമുദായപ്രാതിനിധ്യം സ്വീകരിക്കുന്നതു സ്വതന്ത്രഭരണതത്വത്തിനു വിരുദ്ധമാണെന്നു മി. ശിവതാണുപിള്ള പുറപ്പെടുവിച്ച അഭിപ്രായത്തോടു ഞാൻ യോജിക്കുന്നില്ല. സമുദായങ്ങളുടെ നിലയനുസരിച്ച് വാർഡുകൾ തിരിച്ചാൽ മതി എന്നു അദ്ദേഹം പറഞ്ഞു. ഇതു ഒരു പാകിസ്ഥാൻ സ്കീമിലേക്കു നയിക്കയല്ലേ എന്നു ഞാൻ ഭയപ്പെടുന്നു.

MR. M. SIVATHANU PILLAI : I am not aware of the Pakistan.

MR. P. S. MUHAMMED : എനിക്കതു വളരെ ഇഷ്ടമുള്ള സംഗതിയാണ്. പക്ഷെ അതു തിരുവിതാംകൂറിൽ വരണമെന്നു ഞാൻ ആഗ്രഹിക്കുന്നില്ല.

(The House adjourned for lunch at 1'o clock and reassembled at 2 with the Deputy President in the chair.)

The following members were sworn in

1. Mr. P. S. Kuppuswamy Iyer (Secretary to Government)
2. Mr. K. R. Narayana Iyer (Director of Agriculture)

MR. P. S. MUHAMMED : സർ, ഒരു മുനിസിപ്പാലിറ്റിയിൽ പല സമുദായക്കാർ താമസിക്കുന്നു എന്നു വരാം. ഓരോസമുദായക്കാരും താമസിക്കുന്ന സ്ഥലങ്ങൾ കണ്ടുപിടിച്ചു അവക്കുവേണ്ടിമാത്രം വാർഡുതിരിക്കുക എന്നുള്ളതല്ല അതു് എളുപ്പമല്ല. ഒരു ടൌണിന്റെ പ്രകൃത്യാകിടപ്പിനു അനുസരണമായി വാർഡ് തിരിക്കാനെ സാദ്ധ്യമാവുകയുള്ളൂ. സാമുദായികമായി വാർഡുകൾ തിരിക്കുന്നപക്ഷം പ്രകൃത്യാ ഉള്ള കിടപ്പിനു വിപരീതമായി വാർഡുകൾ തിരിക്കേണ്ടിവരും. അതു് ഒരിക്കലും അനുവദിക്കാൻ പാടുള്ളതല്ല. പ്രാതിനിധ്യക്കുറവുള്ള സമുദായങ്ങൾക്കു പ്രാതിനിധ്യം കൊടുക്കേണ്ടതു് ആവശ്യമാണ് അതു എന്റെ സ്നേഹിതൻ പറഞ്ഞതുപോലെ റിസർവുചെയ്യുന്നതിൽ എനിക്ക് യാതൊരു അഭിപ്രായവ്യത്യാസവുമില്ല. പക്ഷെ, അതിനു് പലതും നോക്കേണ്ടതായുണ്ട്. ഗവണ്മെന്റു ഈ കാര്യത്തെസംബന്ധിച്ച് വേണ്ടതുപോലെ നോക്കി, എന്തെങ്കിലും വ്യവസ്ഥചെയ്യുന്നപക്ഷം അതിൽ എനിക്കൊരാ

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ക്ഷേപവുമില്ല. എന്നാൽ ഈ ഭേദഗതിയെമാത്രം വച്ചുകൊണ്ടു നോക്കിയാൽ അസമത്വസമുദായങ്ങളുടെ പ്രാതിനിധ്യക്കുറവ് ഇതുമൂലം പരിഹരിക്കപ്പെട്ടുകയില്ലെന്നു കാണാം. അഥവാ ഏതെങ്കിലും ഒരു സമുദായത്തിനു പ്രാതിനിധ്യം കിട്ടുന്നില്ലെന്നു കണ്ടാൽ നാമിനേഷൻ മൂലം ആ കുറവിനെ പരിഹരിക്കാനുള്ള വ്യവസ്ഥയും ബില്ലിൽ ഉണ്ടു. നാമിനേഷൻസംഖ്യ കുറഞ്ഞുപോയി എന്നാണു പറയുന്നതെങ്കിൽ അതിനെ ക്രട്ടതലാക്കത്തക്ക നിലയിൽ ഒരു ഭേദഗതി കൊണ്ടുവരുന്നപക്ഷം അതിനെയും സ്വാഗതം ചെയ്യുന്നതാണ്. എന്നാൽ ഈ ഭേദഗതിയെ അനുകൂലിക്കാൻ എനിക്കു നിവൃത്തിയില്ല. ഞാൻ ഇതുയും പറഞ്ഞതുകൊണ്ടു റിസർവേഷൻ മുഖേനയൊ അല്ലെങ്കിൽ മറേറതെങ്കിലും വിധത്തിലൊ പ്രാതിനിധ്യം കുറഞ്ഞ സമുദായക്കാക്കു പ്രാതിനിധ്യംകൊടുക്കുന്നതായാൽ അതുകൊണ്ടു കാര്യക്ഷമതയ്ക്കു കുറവുവരുമെന്നൊ അല്ലെങ്കിൽ പൊതുഭരണപ്രവർത്തനങ്ങൾക്ക് ഹാനി തട്ടുമെന്നൊ അഭിപ്രായമുള്ളതായി ആരും ധരിക്കരുതു്. നേരെ മറിച്ചു എല്ലാസമുദായക്കാക്കും വേണ്ടവിധത്തിൽ പ്രാതിനിധ്യമുണ്ടായാൽ അതു ഐക്യതയ്ക്കും പരസ്പരമുള്ള സൗഹാർദ്ദത്തിനും മുനിസിപ്പാലിറ്റിയുടെ പൊതുഭരണത്തിനും സഹായകമായിരിക്കുകയേ ഉള്ളു. അതുകൊണ്ടു ഇതിലടങ്ങിയിരിക്കുന്ന തത്വത്തോടു് ഞാൻ യോജിക്കുന്നു എങ്കിലും ഭേദഗതിയെ എതിർക്കുന്നു.

MR. A. K. KUMARAN VAIDYAN : ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. മുനിസിപ്പാലിറ്റികളിൽ സമുദായപ്രാതിനിധ്യതത്വമനുസരിച്ചു് ഓരോ സമുദായക്കാക്കും റിസർവുചെയ്യണമെന്നുള്ളതാണല്ലൊ ഭേദഗതിയുടെ ഉദ്ദേശം. മുനിസിപ്പൽ അതിത്തിക്കകത്തു താമസിക്കുന്ന സമുദായക്കാക്കെല്ലാം അവരുടെ ശരിയായ പ്രാതിനിധ്യം കിട്ടേണ്ടതു് അത്യാവശ്യമാണു. സമുദായ പ്രാതിനിധ്യതത്വം ഗവണ്മെൻറു അംഗീകരിച്ചതുകൊണ്ടാണ് ആ തത്വം ഇവിടെയും അംഗീകരിക്കണമെന്ന് പറയുവാൻ ഇടവന്നതു്. ഈ സമുദായക്കാക്കു പ്രാബല്യമുള്ള സമുദായക്കാരുടെ സ്വാധീനംനിമിത്തം തിരഞ്ഞെടുപ്പിൽ വിജയികളാകുവാൻ സാധാരണയായി പ്രയാസം ഇല്ലാതെയാണ് കാണപ്പെടുന്നതു. ഇപ്പോൾ വരുന്ന കൌൺസിലറന്മാർ എല്ലാം ശരിപ്പെടുത്താമെന്നു പറഞ്ഞു അധികാരംകൈവരുമ്പോൾ ഈ സാധുക്കളെ ഉപദ്രവിക്കയാണ് ചെയ്യുന്നതു്. കൂടാതെ സ്ത്രീകൾക്കും മുൻസിപ്പാലിറ്റികളിൽ പ്രാതിനിധ്യം കിട്ടത്തക്കനിലയിൽ ഒരു സ്ത്രീമെമ്പറെക്കൂടി നാമനേറുചെയ്യണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

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MR. P. KUNJUKRISHNAN: Sir, in supporting the amendment I would like to say a few words. The position is like this. It is in existence in the British India Act. And in matters of Legislation so long as we fall in line with the British Indian Act and we have seen that there has been an attempt on the part of the Government to bring the State on a par with British India so far as legislation is vitally concerned, I would recommend that it is advisable to have an amendment like this as the one we have got in British India incorporated in this Statute. Moreover it is stated by the honourable member Mr. M. Sivathanu Pillai that in British India such an amendment found a place because the Government there is run by foreign hands in dealing with such matters. Later on my friend conceded that such an amendment was brought into being on account of the unanimous opinion arrived at between the various parties in the Legislature and the people.

MR. M. SIVATHANU PILLAI: Not like that. Not on account of the number of allocation of seats.

MR. P. KUNJUKRISHNAN: My friend conceded that it might be that such an amendment was brought into existence on the unanimous agreement of the various parties in the Legislature. Even in that case my friend does not admit the position that the various communities in the country should have representation in the Public Service on the basis of population. That is the position that my friend has been taking from the very start wherever the question of communal representation has come out. Now we can understand the position of my learned friend. But we find that in British India such an amendment was passed on the understanding arrived at between the various parties in the Legislature and the people. So my humble submission on this subject would be that there is nothing in this State to differentiate conditions here from those of British India. So it is highly advisable that we incorporate an amendment of this nature in our statute also

Then in objecting this amendment my learned friend Mr. M. Sivathanu Pillai said that any individual who is interested in Municipal affairs may work for the well-being of the Municipality and thus bring himself into prominence in the eye of the locality and get himself elected. But for practical purposes as communities stand at present it is very difficult for members of certain communities, however highly placed they may be especially to get votes from members of other communities and the argument of my friend in this connection I would submit does not stand to reason on the facts wherein it was argued that it was objected on principle, that local Government is based upon perfect freedom and liberty. I would submit that at least on this very principle this amendment should be accepted. Liberty and freedom should be given to all sections of people, not only for one community not only for one individual. Privileges enjoyed by a particular community should not be shut out to other communities from enjoying the same. Now in these days we have seen that as circumstances stand and from

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different reasons also, liberty, freedom and equality these are things which are denied to certain communities. Of course so far as our country is concerned, especially after the epoch-making Temple Entry Proclamation we are fortunate in freeing ourselves from fetters of bondage and slavery but still there remains enough materials to convince us that so far as certain communities and individuals belonging to certain communities are concerned, liberty and freedom cannot be exercised to the same extent as members of other communities which are put in a more privileged position. So I would submit that on the very same principle of liberty, eaquality and freedom it is necessary that the less privileged communities who on account of various reasons are not able to exercise their voting power in favour of returning their own members in a fair proportion, may be given a safeguard like this.

MR. PUTHUPALLI S. KRISHNA PILLAI: May I know the names of some of those communities.

MR. P. KUNJUKRISHNAN: I cannot specifically say.

MR. PUTHUPALLI S. KRISHNA PILLAI: The names of at least a few.

MR. P. KUNJUKRISHNAN: Say the Ezhava community for example.

MR. M. SIVATHANU PILLAI: May I know whether the honourable member refers to the whole State or with reference to a particular Municipality.

MR. P. KUNJUKRISHNAN: The whole State, Sir. Then it was argued that there was the question of health, sanitation etc. and so it is safe to entrust these matters to members of certain communities alone. I submit health, sanitation all these are equally important as politics and if politics of one community cannot be entrusted to members of certain other communities then the sanitation and Public Health of one community cannot be placed in the hands of other communities. My submission is, it is not in the interest of these communities that they should be set apart in separate compartments but there should be opportunity for all communities to represent themselves, find themselves fairly represented, so that they may move on amicably in the City Council or City Corporation as the case may be. Then it was argued that the question of re-election can be brought to the Council and the matter remedied. But in almost all cases the Council will be represented by the majority communities, the more privileged communities. How can the less privileged communities get their voices heard in the Council without being represented by more members of the communities.

MR. M. SIVATHANU PILLAI: I do not know whether the honourable member is aware that the motion can be vetoed even in respect of the allocation of wards. It is up to the member for the backward communities to make a representation to Government and see that it is done by Government.

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MR. P. KUNJUKRISHNAN: Even in such a case there is nothing wrong.

Then there is the serious objection raised by the learned leader of the national party that only fifty per cent. of the seats will go in the form of elections. Whereas by the present Bill it is held out that three-fourth of the total number of members will be elected. By accepting this amendment we will have only half of the members elected. Then the remaining half will not be elected members. That is the first difficulty raised. I would submit that this one-fourth is not going to be nominated.

MR. KAINIKKARA M. PADMANABHA PILLAI. I did not make that expression. I never made that mistake. What I said was that fifty per cent. of the seats will be reserved or nominated and fifty per cent. alone will be elected from the constituency.

R. P. KUNJUKRISHNAN: Even in that case fifty per cent will be taken from the general constituency and out of the remaining fifty per cent. half is going to be reserved by this amendment. Even in that case the reservation seats do not go by nomination. It goes by election.

MR. KAINIKKARA M. PADMANABHA PILLAI: I never said that it should be by nomination.

MR. P. KUNJUKRISHNAN: Then the other objection was that both the reservation and power for standing in elections for general constituency cannot go alongside. I concede that, but there can be an improvement made on this. The power is vested in Government. It is left to the discretion of the Government to confer powers given by this amendment. If in a particular locality members of a particular community are found to be not able to get themselves returned from the general constituency by election they may be nominated. Of course this power of the Government can be exercised in giving reservation. I would submit in the general constituency when members of a particular community find themselves capable of getting themselves elected it is left to the Government not to nominate persons from such communities.

MR. M. SIVATHANU PILLAI: Suppose a member belonging to a particular community is returned by election is a reservation of seat necessary?

MR. P. KUNJUKRISHNAN: It should be left to the discretion of the Government to decide whether one thing is fair or not. Everything is left to the discretion of the Government.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it so?

MR. P. KUNJUKRISHNAN: Yes, it is definitely so. Whenever members of a particular community are not enabled to get themselves elected from the general constituency only in such cases reservation should be given to such communities. So that difficulty is clear.

MR. KAINIKKARA M. PADMANABHA PILLAI: One question, whether it is said in amendment that Government have got the freedom to give reservation and withhold the power to veto in the other constituency? The amendment clearly says that a community, for which a seat is reserved, will have the power to stand for the other constituency. I do not see any option given to the Government here.

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MR. P. KUNJUKRISHNAN : Yes. Supposing for the first election there is a reservation made for certain communities say one community. Then as per this amendment one of two members of the community stand for general election and get themselves elected. It is better for this community getting elected from the general constituency as well as in the reserved constituency. When the next election comes the constituents, will be in a position to return members from their own communities. So far as unrepresented communities are concerned my submission is that in matters like this these little favours shown to them by Government are not too much. It is high time and only in the fitness of things that to communities which are unrepresented and which are not very much advanced in the matter of education, wealth and influence some little favour be shown.

MR. M. SIVATHANU PILLAI : The honourable member has no objection for the members of one particular community being elected by general constituency as well as returned to reserved seats.

MR. P. KUNJUKRISHNAN : The so called unrepresented communities of which I made reference here will be very soon in a position to send up their own members. It is only an exception in very rare cases. It is up to the Government to do away with reservation.

MR. KAINIKKARA M. PADMANABHA PILLAI : Then may I know why the proviso is retained there ?

MR. P. KUNJUKRISHNAN : Nothing is lost by that.

MR. KAINIKKARA M. PADMANABHA PILLAI : To the community of course but to others is there not something lost ? Is it not reservation a sufficient privilege ?

MR. P. KUNJUKRISHNAN : Yes.

MR. KAINIKKARA M. PADMANABHA PILLAI : Then why should there be another proviso also be brought ?

MR. P. KUNJUKRISHNAN : Just as liberty or freedom is the right of every man similarly it is the right of every community to see that their members get themselves elected from the general constituency. It is the general principle and fundamental principle of constitutional freedom.

MR. KAINIKKARA M. PADMANABHA PILLAI : Is the community standing by the co-communal right or by special right ?

MR P. KUNJUKRISHNAN : My submission is with regard to communities which cannot stand on their own legs, some sort of indulgence should be shown to them subject to the veto of Government. That is all what this means.

MR. M. SIVATHANU PILLAI : Are there any communities in Travancore which have no legs ?

MR. P. KUNJUKRISHNAN : Yes. So under these circumstances I would submit that there is no harm in this amendment being accepted.

MR. M. SIVATHANU PILLAI : Am I to understand from the member that his final opinion is that he wants reservation of seats as well as the right of voting and to stand as a candidate ? I want his opinion finally as to whether he wants both reservation and to stand for election.

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MR. P. KUNJUKRISHNAN : I think I have satisfactorily explained my position.

SRY. T. NARAYANI AMMA (*Nominated*) : Sir, I support this motion. One of the objects of the Trivandrum City Municipal Bill and the District Municipalities Bill is to remove the sex disqualification. We are particularly gratified at this and we are extremely thankful to Government for the same. By a resolution moved and got passed at the Select Committee of the City Municipal Bill one seat is reserved for ladies among the nominated seats. I feel that the same concession shall be extended to women under the District Municipalities Bill also. I support the motion.

MR. P. N. NILAKANTA PILLAI (*Co-opted*) : I oppose the amendment. The amendment brings in a lot of difficulty in the matter of voting and also reservation. According to the present Bill one fourth of the number of Councillors is filled by nomination and hereafter usually there will be only two nominations for Government servants. The number of seats will be about twentyfour and out of the six, two may be reserved. Then there remains four.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : May I know the minimum number of Councillors in a Municipality ?

MR. P. N. NILAKANTA PILLAI : The maximum number is twenty-four. The minimum may be eighteen or fifteen.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : Out of this, may I know how many seats will be available to Government for nomination ?

MR. P. N NILAKANTA PILLAI : I think at least four.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : Will it be possible for Government to give representation to all the unrepresented communities out of this number ?

MR. P. N. NILAKANTA PILLAI : I think it will be quite sufficient. The principle of Communal representation is accepted by this House and also by Government and taking this into consideration in almost all the Municipal Councils now-a-days fair representation is given to all communities by means of election. Formerly in Quilon an Ezhava could never hope to get elected however hard he may try. But on account of the present arrangement, in the Quilon Municipality there were four elected Ezhava members.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : May I know the year in which four Ezhavas were elected to the Quilon Municipality ?

MR. P. N. NILAKANTA PILLAI : Before the last general election. The same is the case with Muhammedans and Christians.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : May I know the names of those four members ?

MR. P. N. NILAKANTA PILLAI : One Mr. Kunjuraman, and the other Mr. Narayanan Vaidyan.....

Now-a-days fair representation is given to all communities and therefore there is no necessity for such an amendment like this.

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MR. M. SIVATHANU PILLAI : Are Ezhavas predominant in those places ?

MR. P. N. NILAKANTA PILLAI : No.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN : May I know how many elected members are there now in the Quilon Municipality ?

MR. T. C. KESAVA PILLAI : Sir, I rise to a point of order. Can the member ask how many members are there in the Quilon Municipality ?

DEPUTY PRESIDENT : According to him it is important. He wants to elicit information.

MR. P. N. NILAKANTA PILLAI : Two.

MR. K. G. GOVINDAN : Sir, I support the amendment except the last portion of it. At first I thought of opposing the entire amendment because there is a provision in the existing Bill enabling the Government to nominate non-official members to the Municipality. I thought that that was enough for members of communities who could not get themselves elected to the Municipalities.

MR. P. NARAYANA PILLAI : Sir, I wish to know whether a member can partly support and partly oppose an amendment ?

DEPUTY PRESIDENT : Yes, he is making his position clear from the very start.

MR. K. G. GOVINDAN : But after hearing the speech of the honourable member Mr. Sivathanu Pillai I felt constrained to support the amendment motion before the House. Mr. Sivathanu Pillai entered into a very learned disquisition on the subject, traversed wide fields and finally entered into a discussion upon the fundamental principle of communal representation in Public Service and ended with a categorical denunciation of the principle of communal representation in Public Service.

MR. M. SIVATHANU PILLAI : Is it categorical or characteristic ?

MR. K. G. GOVINDAN : Both perhaps.

In spite of the denunciation of communal representation by Mr. Sivathanu Pillai and in spite of the present threat that he would be opposing communal representation and in spite of the future threat that he would be engaging in opposing communal representation till the last day of his life, Government have accepted the principle of communal representation in Public Service and therefore I am not prepared to controvert the old stereo-typed arguments advanced by Mr. Sivathanu Pillai.

MR. M. SIVATHANU PILLAI : Is it the opinion of the member that the present system of Government is going to be rectified for ever ?

MR. K. G. GOVINDAN : Nothing is permanent in this world. Everything is transient.

I am not going to oppose the arguments advanced by Mr. Sivathanu Pillai which we have heard and heard and heard times out of number. Since the Government have accepted that principle, I do not wish to traverse those points again.

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[Mr. K. G. Govindan.]

Mr. Kainikkara M. Padmanabha Pillai in his characteristic fair manner accepted the principle underlying the amendment. But he found it rather difficult to accept the amendment as it is worded because of two difficulties according to him. The first is that if this amendment is accepted fifty per cent. of the seats will either be nominated or reserved and so only fifty per cent. will go for general election. I do not understand what exactly his difficulty is. Even for the twentyfive per cent. reserved, election will be taking place. I could not quite appreciate that argument.

MR. KAINIKKARA M. PADMANABHA PILLAI: Does the honourable member understand from the amendment that the introduction of the reservation of seats is left to the choice of the Government?

MR. K. G. GOVINDAN: It is left both to the Government and to the requisition of the members who need it.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know with whom the decision will rest?

MR. K. G. COVINDAN: Only with Government.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know from the member whether it is not possible for Government, whenever they find the election in any Municipality going against their interest, to introduce reservation there?

MR. K. G. GOVINDAN: Then they may or may not introduce. That is the policy of Government.

MR. KAINIKKARA M. PADMANABHA PILLAI Is there not a possibility? That is my question.

MR. K. G. GOVINDAN: As I have already stated, the evil of communal representation is there, if it is an evil.

MR. KAINIKKARA M. PADMANABHA PILLAI: I am asking whether you are not giving another power to the Government.

MR. K. G. GOVINDAN It is only an enabling power. The Government may or may not exercise it.

MR. M. SIVATHANU PILLAI: May I know whether it is not casting insinuation on the part of Government when he says that Government have got their own interests as distinct from the interest of others? Does the member think that that is fair?

MR. K. G. GOVINDAN: Mr. Sivathanu Pillai has absolutely misunderstood what I have said. I never thought of any insinuation; I never made any insinuation against anybody, much less against the Government.

The second objection raised by Mr. Kainikkara Padmanabha Pillai is that he would accept reservation provided he knew what exactly the franchise and the voting system were. He has had very bitter experience as a result of the last election to the Assembly. I believe Government also have had rather bitter experience as a result of the election which took place last time and so it is not likely that Government would make rules which allow such dfficulties to be repeated. So I

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would sincerely ask Mr. Kainikara Padmanabha Pillai if there will be any difficulty if the work of making rules is left with the Government. Let us accept the principle and leave the power of making rules entirely with the Government. It is not likely that that Government would make rules that would endanger their position or the position of the Municipalities.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: May I know whether it is not possible to take the whole Municipality as a single ward?

MR. K. G. GOVINDAN: Yes, it is possible.

MR KAINIKKARA M. PADMANABHA PILLAI: Is it a special electorate or reserved seat that the member wants?

MR. K. G. GOVINDAN: It may be a reserve seat in the whole Municipality considered as one constituency.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it not a separate constituency and separate seat that he is asking for?

MR. K. G. GOVINDAN: It may be taken as a reserve seat. I believe reservation is possible here also. I am subject to correction. After all, this amendment is only intended as an enabling provision. Even if it is incorporated in the Bill nothing is going to happen straight away. If as a result of the election hereafter to be conducted, any community find it difficult to have their members returned to the Municipality, then that community may request Government to reserve seats for them in that Municipality. Government will thereupon go into the pros and cons of the matter and decide whether reservation is necessary or not. This provision is intended to enable Government to come to a decision. There is absolutely no objection in providing this in the present Bill. So I support the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the only self-governing institution in which the element of communal discord has not been brought in till now is the Municipality. We were able to steer clear of this danger when the Trivandrum City Municipal Bill was before this House. This Bill itself has been pending before the Joint Committee during the last several years. And during this period there was not a single voice that could be heard which demanded that, like the representation in the Legislature, there should be communal representation in Municipal bodies guaranteeing reservation of seats. So far as information before Government goes there has not been any instance in which any community has had occasion to complain that that community was being victimised because it does not get adequate representation in the Municipal Council. There is great force in what one honourable member said, namely, that Municipal administration is particularly concerned with questions relating to Public Health, Sanitation and such like matters in which the interest of one particular community cannot be said to be more predominating or preponderating than that of any other community. Mosquitoes which attack the Nayar will be as vigilent when they go to the Ezhava and they will have no particular fascination for the Christian. If there is any matter in

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[Mr. Puthupalli S. Krishna Pillai.]

respect of which there is agreement it is this aspect of Municipal administration. Cholera, typhoid, filarial attack and the thousand and one of the ailment caused by the mosquito are matters in which all communities are equally interested. Because the Ezhava does not get a seat in the Municipal Council it does not mean that all mosquitoes will go to the Ezhavas and do harm to them.

MR. K. KUNJU PANICKAR: In certain Municipalities roads and lights are sometimes found in such places where the majority community in the Council are residing: Is it not special discrimination against others?

MR. PUTHUPALLI S. KRISHNA PILLAI: I am not aware of any such case. If any Municipal President lends himself to such sort of corruption it is open to the members of the Municipality to refuse to pay tax or seek other reliefs. These are matters governed not by communal feeling but by individual inclinations. If there is a corrupt President it will be within the power of the people to expel him from the Council. One great safeguard which is now given under this Bill is the appointment of Commissioners. Hitherto the executive authority was vested in the Municipal Chairman. Hereafter it is proposed to be transferred to an officer appointed by Government called the Commissioner. If that Commissioner is put in charge of the executive function then things will be done within the Municipal area not in a communal spirit but with a view to advance general public weal. A Commissioner appointed by Government is subordinate to Government and is removable by Government.

MR. P. KUNJUKRISHNAN: May I know whether Municipal Councils are semi-government bodies?

MR. PUTHUPALLI S. KRISHNA PILLAI: They are non-official bodies. There is no semi-governmental status for the Municipal Councils.

MR. P. KUNJUKRISHNAN: May I know whether appointments are now being made by Municipal Councils?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. If the honourable member will read the Bill he will find that hereafter the appointments shall be subject to such rules as may be prescribed by Government particularly with reference to communal representation. We have introduced this provision in order to safeguard the interest of all communities. It appears that there is a complaint that if the President is a Christian the members of the establishment also happen to be Christians or if the President is a Nayar the members of the establishment are also Nayars. But now provision has been made that the appointment shall be made subject to such rules in respect of communal representation as may be laid down by Government. The executive authority in the Municipal area itself is to be an officer appointed by Government.

MR. P. KUNJUKRISHNAN: May I know whether the Municipal Commissioner will have a voice in the decisions arrived at by the Council?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir.

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MR. M. SIVATHANU PILLAI: May I know whether the Municipal Council has anything to do with the particular candidate to be appointed?

MR. PUTHUPALLI S. KRISHNA PILLAI: Except that the Chairman may speak to the Commissioner. The Commissioner will be an officer appointed by Government and will be removable only by Government. Any remissness on the part of the Commissioner will be met with severe disciplinary action resulting even in dismissal. With regard to the appointments there is provision that the appointing authorities will have to make the appointments only in accordance with the rules of recruitment. Probably the Public Service Commissioner will have a say in the future recruitment to the Municipal Councils.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: Commissioners are to be appointed only in major Municipalities.

MR. PUTHUPALLI S. KRISHNA PILLAI: The honourable member may read Clause 13. The power is exercisable in respect of any Municipality, major or minor.

(At this stage the President took the Chair.)

The honourable member proposes that in reserved seats for any community or communities the Government shall have due regard to their number and importance in reserving such seats. From what the honourable member said I understand that he refers to the number and importance of the community not only in that Municipal area but in the whole State. That is a difficult task imposed upon Government by the Statute. What is meant by importance? Every community is important in its own estimate. I am quite sure that even the numerically poorest community will say it is important and therefore it is entitled to protection. Therefore that is a very difficult question. The member has not chosen to prescribe what that importance is.

In the second proviso he says that no seat shall be reserved for any community or communities if at the last Census such communities constituted more than one-half of the total population of the Municipality. The provision made here is a negative provision. According to this provision even if it happens that within a particular Municipal area there are only two persons belonging to a particular community, Government may be called upon to reserve seats for the two individuals within the Municipal area. All that the provision says is that no community, whose population is more than one half according to the last Census, shall be given a reserved seat. So it means that reservation can be given to any community however small its number may be, but due regard shall be had to its total numerical strength and importance. These are very difficult tests and I would for myself suggest to the honourable member whether he could not withdraw this amendment.

Reliance was placed on the Madras Act. But there it will be found Sir, that the Statute itself provides that for certain specified communities Government may reserve seats. I was emphasising the clauses which refer to the tests which Government have to bear in mind in proposing reservation. According to the honourable mover a seat can be

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[Mr. Puthupalli S. Krishna Pillai.]

reserved for a Nayar, a seat can be reserved for a Brahmin, a seat can be reserved for a Jew. All these reservations are possible. Instead of specifying the communities in respect of which reservation should be made my friend has thrown the burden on the Government themselves and has given them a few tests by which they ought to decide the question. From the point of veiw of Government it is a very difficult task and Government would be very unwilling to undertake a responsibility imposed on them in the terms couched in this amendment.

Administration of Municipal matters was being conducted on non-communal lines. Mr. Kunju Panickar complained that in Kottayam manipulations were made by the Municipal authorities for excluding certain classes of voters from the voters' list by allowing them to become defaulters or by striking them out of the electoral roll or by including in the electoral roll those who are not really entitled to vote. They are really allegations of corruption and there are methods of dealing with corrupt Municipalities. Hereafter, as suggested by Mr. Kunjukrishnan, at least in respect of the major Municipalities, administration may have to be undertaken through Commissioners appointed by Government and under the provisions of the new Bill the preparation of the electoral roll will have to be attended to by the Comissioner himself. The Municipal Council or the Municipal President as such will have nothing to do with the preparation of the electoral roll in such Municipalities and any little local differences or complaints my impression is, would soon disappear when this measure becomes law.

One honourable member, Mr. Govindan, said that he supported clauses 4 and 5 but would oppose sub-clause 6. That is the attempt on the part of Mr. Kunjukrishnan to secure seats through reservation and to trouble or to torment those in whose favour no reservation has been made. I think Mr. Kainikkara Padmanabha Pillai's objection arose out of that and probably, but for that, on principle he would have accepted the amendment. But Government are even prepared to go to the extent to which the leader of one of the parties in this House has gone, because the conditions laid down in the proviso and the duties proposed to be cast on Government are vague and indefinite and cannot be adopted for any statutory purpose. I would therefore oppose this amendment and also request the honourable member to withdraw the motion.

MR. M. SIVATHANU PILLAI: I want to know what the honourable member has to say with regard to the argument that similar provisions are found in the British Indian Act.

MR. PUTHUPALLI S. KRISHNA PILLAI: Similar provisions are found in the British Indian Act, not in the manner in which they are now proposed, but in a different manner. They say that Government may reserve seats for certain specified communities, Muslims, Indian Christians, Adi-Dravidas, Europeans and Anglo-Indians. According to the Madras District Municipalities Act, Government may in their discretion reserve seats for these communities, who according to Government

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are important and numerically strong and all that. A community which is at one time important may become unimportant some time after. That cannot become a test as to for whom reservation can be provided. The tests are all indefinite. If my honourable friend had straightforwardly come forward and said--our Government may reserve seats for Ezhavas, for Muslims, for Varnavars and for all the other scheduled castes or unrepresented communities, I would have understood his proposition. But here is a vague and indefinite proposal calculated to put Government into trouble and which will enable any community in the State to call upon Government to reserve a seat for it. As I said, Jews living in Quilon will be entitled to call upon Government to reserve a seat for them by saying that they are being persecuted, that they are not able to exercise any of their civic rights, and that it is not possible for them to live in Quilon unless Government reserve a seat for them, though they are only two in number. That is the effect of the proposal made by Mr. Kunjukrishnan, and I am therefore constrained, Sir, apart from all principles involved in it, as the member in charge of the Bill, to oppose it.

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: Sir, many of the honourable members who opposed my amendment have accepted the principle that there are certain communities who labour under the difficulty of getting a fair representation in the Municipalities. Most of the objections raised were based on technical difficulties. My honourable friend Mr. Kainikkara Padmanabha Pillai opposed the motion on two grounds. He said that if the amendment is accepted there will be fifty per cent by general election and fifty per cent by nomination. I would put it this way. If my amendment is accepted it would be seventy five per cent. by election from general and reserved seats, and twenty five per cent. by nomination. And, that is certainly an improvement in the existing state of affairs.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it an improvement of the existing clause in the Bill?

MR. MURUKKUMPUZHA V. KUNJUKRISHNAN: I admit, it is not. But it is because the interests of certain communities have to be safeguarded, we are going to provide that at least twenty five per cent. of the seats should be reserved.

As regards his second objection that those communities for whom seats are reserved will also be contesting in the general constituencies, I would say that the provisions contained in the Bill will be exercised only in those extreme cases where it would be impossible for any community to get representation by election. It is only after the matter has been investigated and it is found that certain communities have real grievance, that the provisions of this Act will be given effect to and reservation made.

Then the question was raised—is there any necessity for allowing these people for whom seats have been reserved to appear in the general election. What I would submit is that by giving that right to these communities also, if they succeed in the general election then certainly

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Mr. Murukkumpuzha V. Kunjukrs hnan.]

it will be a criterion for Government to veto the reservation. When once they are convinced that all communities in any Municipal area, by some adjustment or by an allocation of the wards, are returned in the general election, it is certainly open to Government even if the seat has been reserved for any of those communities, to revoke that order by a notification. So, I do not find that there is any difficulty as far as that matter is concerned.

My learned friend Mr. P. S. Muhammed objected to my amendment only on the ground that by this amendment the claims and rights of unrepresented communities are not satisfied, because he insisted on having representation based on numerical strength. According to him any reservation as contemplated by this amendment is not going to satisfy the full claim of the communities concerned. What I would say is, as I said at the very beginning, I am not for representation based on the numerical strength of the community. There must be a fair representation. The communities should not go unrepresented. That is my position. If it is possible to get at least some representation, is it not a matter, Sir, which has to be welcomed by this House?

Then, my friend, Mr. Sivaramakrishna Aiyar suggested that as far as the Kuzhithura Municipality is concerned they have succeeded in coming to some successful termination by so allocating the wards. It is well and good. The very object of this amendment is that if there are Municipalities like the Kuzhithura Municipality where the people adjust their claims mutually, as far as those Municipalities are concerned, Government need not reserve any seat. Only in regard to those Municipalities where it not possible for particular communities to get proper representation need the seats be reserved.

Then objection was taken on certain general grounds. The question was raised whether after all it is necessary that communal representation in local bodies should be considered. It is no doubt true that in Municipal administration, Public Health, Sanitation and all those things are attended to. But even then I could say from personal experience that if there are Councillors from different communities, there are certain matters which they will be able to do for the benefit of the communities to which they belong. It was stated by some of the honourable members here that after all it was only a matter of adjustment. It was also argued by some other honourable members whether by this amendment we are not giving Government more powers of interference in the Municipal administration of the State. I quite concede that position but I most earnestly and most sincerely ask those honourable members what other alternative solution they would suggest to solve this problem to the satisfaction of all parties concerned. We cannot deny the fact that the communities in Travancore are standing apart. I do not find even an earnest attempt for mutual approach and mutual understanding between the defferent communities who are fighting for communal claims. Such being the case, in

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my humble opinion, it is necessary that Government should be armed with weapon of his nature, which they may or may not use, as occasions arise. If the Commissioner or the Chief Executive officer is able to arrange the seats providing fair representation to all communities, it is good. But if it is not possible for the communities themselves to adjust their respective claims then Government should have the power to come to the rescue of these communities. Unless the powers are vested with Government I do not think there will be any other authority to interfere in this matters. Hence it is very necessary that the Government should be armed with this power. With these few words, I commend my motion for the acceptance of the House.

The motion was put to vote and lost.

The question that Clause 7 stands part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 8 and 9.

The question that Clauses 8 and 9 stand part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Clause 10.

MR. P. S. MUHAMMED : I move the following amendment:

In Clause 10 sub-clause (1) (*b*) between the words "its Chairman" and "in accordance with" insert "from and among the Councillors".

MR. P. S. MUHAMMED : ഇന്ന് നിലവിലിരിക്കുന്ന അക്ററ് അനുസരിച്ചും ഈ ബില്ലനുസരിച്ചും ഇപ്പോൾ കൗൺസിലർ അല്ലാത്ത ആളുകൾക്കും ചെയർമാനായി നിൽക്കത്തക്ക സ്വാതന്ത്ര്യമുണ്ട്. അങ്ങിനെ ഒരു വകുപ്പ് ബ്രിട്ടീഷിൻഡ്യൻ ആക്ററിൽ ഇല്ല. ഏതായിരുന്നാലും കൗൺസിലറന്മാരിൽ ആരെങ്കിലും തന്നെ പ്രസിഡൻറാകണമെന്നുള്ള ഒരു വ്യവസ്ഥചെയ്യുന്നപക്ഷം കൗൺസിലിനുള്ളിൽ യോഗ്യതയുള്ള അളുകൾ തിരഞ്ഞെടുക്കപ്പെട്ടവരായി ധാരാളം ഉണ്ടാകാനിടയുണ്ട്. ഇന്ന പല മുനിസിപ്പാലിറികളിലും യോഗ്യതയുള്ള ആളുകൾ മെമ്പറന്മാരായി വരുന്നില്ല. നേരെ മറിച്ച് ഇങ്ങിനെ ഒരു വ്യവസ്ഥചെയ്യുന്നപക്ഷം തനിക്കും പ്രസിഡൻറാകണമെന്നുള്ള ആഗ്രഹത്തോടുകൂടി യോഗ്യന്മാരായ ആളുകൾ കൗൺസിലിനകത്തു വരുകയും ജനങ്ങളുടെ സ്നേഹവും ഹിതവും സമ്പാദിക്കുവാൻ ശ്രമിക്കുകയും ചെയ്യും. ഇന്ന ഒരുതരത്തിൽ നോക്കുമ്പോൾ മുനിസിപ്പൽ ചെയർമാന് ജനങ്ങളോട് വലിയ ഉത്തരവാദിത്വമില്ല. അതുപോലെ ജനങ്ങൾക്കു വളരെ സമ്മതവും വിശ്വാസവും ഉള്ളവനായിരിക്കുന്നില്ല. ഇന്ന കൗൺസിലർമാരായി തിരഞ്ഞെടുക്കപ്പെട്ടന്ന പലരും നേരെ മറിച്ച് പ്രസിഡൻറാകുന്നതിനു കൗൺസിലർക്കുടി ആയേ തീരൂ എന്നു വന്നാൽ കൗൺസിലറുടെ തിരഞ്ഞെടു

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[Mr. P. S. Muhammed.]

പ്പിനക്കുടി അയാൾ നിൽക്കേണ്ടതായിവരും. വേറൊരു ദുഷ്യവും ഇന്നത്തെ നിലയ്ക്കു കാണുന്നുണ്ട്. ഇന്നു ആരെങ്കിലുമൊരുത്തൻ ഒരു മുനിസിപ്പൽ പ്രസിഡൻറായി തിരഞ്ഞെടുക്കപ്പെട്ടുന്നപക്ഷം. വീണ്ടും പ്രസിഡൻറു സ്ഥാനത്തേക്കല്ലാതെ അയാൾ നിൽക്കുകയില്ല. അതുകൊണ്ടു ഒരു കൗൺസിലറായൊ മറൊ നിൽക്കാൻ അയാൾ ആഗ്രഹിക്കുകയുമില്ല. എൻറൊ ഭേദഗതി സ്വീകരിക്കുന്നപക്ഷം അയാൾക്കു കൗൺസിലറായേ ഒക്കുകയുള്ളു. ഇങ്ങിനെ വ്യവസ്ഥചെയ്യുന്നതു കൗൺസിലിനുതന്നെയും പ്രയോജനകരമായിരിക്കും.

MR. K. P. KOCHUKORA THARAKAN: ഇപ്പോഴും കൗൺസിലറന്മാർക്കു പ്രസിഡൻറായിക്കൂടാ എന്നില്ലല്ലൊ?

MR. P. S. MUHAMMED: കൗൺസിലറന്മാർക്കും പ്രസിഡൻറാകാം. എന്നാൽ കൗൺസിലിനകത്തു ഇല്ലാത്ത ആളുകളെ പ്രസിഡൻറായി കൊണ്ടുവരേണ്ട ആവശ്യമെന്താണു?

MR. R. SIVARAMAKRISHNA AIYAR: Sir, I strongly support the amendment moved by the honourable member Mr. P. S. Muhammed. I have also sent in a similar amendment. In the Bill it is provided in Section 10 (1) (b) that the Government may direct the Municipal Council to elect its Chairman in accordance with the rules and conditions as are prescribed by the Government. That means that the Council can elect a Chairman from among the Councillors or one from outside. Sir, if a Chairman is elected from among the Councillors the advantages are greater than if he is elected from outside. A person elected from outside represents only a handful of the members of the Council. But on the other hand if one is elected from among the Councillors he will represent the members of his ward as well. He will be more responsible and will always work for the interests of the town. Sir, now-a-days it has been the practice among respectable, intelligent and cultured people to think that it is below their dignity to stand to contest in ward elections. Year after year that group is gaining strength. And they appear only when the presidential elections occur. So if it is provided in the Act that Presidents will be elected only from among the Councillors these people will not hesitate to contest in ward elections

MR. M. L. JANARDANAN PILLAI: May I know whether there is any guarantee that the best Councillor will be elected as the President?

MR. R. SIVARAMAKRISHNA AIYAR: If the restriction that I have suggested is adopted then all the best men of the town will be coming as Councillors.

MR. M. SIVATHANU PILLAI: May it not be that sometimes a capable, clever and efficient man may not contest for the President's seat?

MR. R. SIVARAMAKRISHNA AIYAR: I do not think so. They will only think that it is an honour to serve in a Municipality. If the best men of the town are within the Council, then, in the matter of the presidential election they would adjust themselves.

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MR. P. S. MUHAMMED: പൊതുജനങ്ങളുടെ വിശ്വാസത്തിനു പാത്രമാകാത്ത ആളുകളെ പ്രസിഡൻറായി തിരഞ്ഞെടുക്കണം എന്നുണ്ടോ?

MR. R. SIVARMAKRISHNA AIYAR : അതിന്റെ ആവശ്യമില്ല.

Now, that will be an incentive also for the best type of men to get into the Council and raise its prestige. In the Madras District Municipalties Act, it is clearly stated that one of the Councilors shall be elected as the Chairman. When we are following the British Indian enactment even with regard to this Bill, I think that it would be better to follow that enactment so far as this provision is also concerned. Therefore this amendment may be accepted.

MR. K. P. KOCHUKORA THARAKAN : കൗൺസിലറന്മാർ മുനിസിപ്പാലിറ്റി വോട്ടറന്മാരുടെ ആഗ്രഹത്തിനെതിരായി പ്രസിഡൻറിനെ തെരഞ്ഞെടുക്കുമെന്നാണോ പറയുന്നതു?

MR. R. SIVARAMAKRISHNA AIYAR : I do not say that. Out of the twenty-four members the Chairman will be elected at least by a majority of thirteen.

MR. M. SIVATHANU PILLAI : Does the amendment prevent a nominated member becoming a Chairman?

MR. R. SIVARAMAKRISHNA AIYAR : No, Sir.

MR. K. P. KOCHUKORA THARAKAN : കൗൺസിലറന്മാരിൽ യോഗ്യതയുള്ളവരുണ്ടെങ്കിൽ അവരിൽ നിന്നും, ഇല്ലെങ്കിൽ വെളിയിൽ നിന്നും പ്രസിഡൻറിനെ തിരഞ്ഞെടുക്കാനുള്ള അവകാശം ഇതുകൊണ്ടുണ്ടാകുന്നില്ലേ?

MR. R. SIVARAMAKRISHNA AIYAR : We have been having that privilege for a long number of years. In most of these Municipal Councils outsiders are taken as Presidents. By this practice respectable and competent men do not stand for Municipal ward elections.

MR. K. P. KOCHUKORA THARAKAN : ഇതു് കൗൺസിലറന്മാരുടെ ഒരു അവകാശമല്ലയോ?

MR. R. SIVARAMAKRISHNA AIYAR : I have stated only my own reasons.

PRESIDENT : Order, order. The discussion on the Adjournment Motion will begin now.

ADJOURNMENT MOTION.

MR. K. DOMINIC JOSEPH (*Vaikom cum Kottayam*) : Sir, I rise to move the adjournment motion which reads as follows :

> "I beg leave to move for the adjournment of the business of the House, for the purpose of discussing a definite matter of urgent public importance, *viz.*, the serious situation created by the war in the Far East, which threatens to embroil the countries supplying paddy and rice to this country, with the possible danger of cutting off supplies therefrom, and to consider the necessity to formulate a definite scheme for producing paddy in the State, within a definite period, sufficient to meet the needs of the country."

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